

COMMITTEE ON BILLS ON SECOND READING

January 14, 2003

Chairman Wihby called the meeting to order.

The Clerk called the roll.

Present: Aldermen Wihby, Sysyn (left early), DeVries, Smith, Forest

Messrs: V. Lamberton, F. Ruscsek, B. Vigneault, T. Jordan, T. Clark

Chairman Wihby addressed Item 3 of the agenda:

Ordinance Amendments:

“Amending Section 33.011 (Retired Employees; Policy on Rehiring) of the Code of Ordinances of the City of Manchester.”

“Amending Section 33.046(H) Entrance Pay Rates of the Code of Ordinances of the City of Manchester.”

Chairman Wihby asked have these both gone to the HR Committee.

Alderman Lopez stated yes it did. It was approved by the HR Committee.

Alderman DeVries moved the item for discussion. Alderman Forest duly seconded the motion.

Alderman DeVries stated I know there has been a lot of discussion on this. I just feel that going into a very difficult budget year next year that this is an opportunity for a department head to potentially capitalize on a part-time workforce where they are not obligated to pay for benefits or a pension fund thus reducing the potential amount of their budget without reducing City services. I just feel that we need to go forward with allowing this.

Alderman Smith stated I disagree. I think this is a form of double dipping. We have people working 40 hours in the Highway Department getting no benefits whatsoever. They might get some leave time but I think we need to fix this once and for all. Some people are working 20 hours and getting retirement benefits. These people are working 40 hours and getting no benefits. Am I correct, Ginny?

Ms. Lamberton replied yes. There are some employees who are considered full-time temporaries who are not receiving any retirement benefits or any other benefits and then there are other employees working fewer hours. As I said at the last HR meeting in order to correct that I think we need to define the different types of employees that we have and I have drafted up the definitions and will be reviewing them with my staff to make sure I don't contradict any contracts or anything and then I will be bringing the proposed definitions, which will define what they are and what their entitlements are, to the HR Committee in the near future.

Chairman Wihby asked can you tell us how they ended up here in front of us. Was this something that you recommended?

Ms. Lamberton replied yes.

Chairman Wihby asked is it something you saw that was happening or...

Ms. Lamberton interjected this would change the current ordinance that prohibits employees who have retired from the Manchester Retirement System from working for the City part-time for an indefinite period of time. They could work for the City in a crisis for a month or so but that would be it. If you are a former employee of the City who retired under the Group 2 system, the firefighters or the police officers, there is no prohibition so you can, in fact, come to the City and take a second job full-time and then get all of the benefits, leave time, retirement, etc. It just didn't seem like it was equitable. There are some people that are concerned that any retired employee should be able to work for the City at all and I don't buy. The Group 2 people, their whole world circles around 20 years of employment with a retirement age of 45 so they still have quite a few years left in their working life. The other employees who are in the Manchester retirement system, they really have to work until they are 60 or 62 so it is never going to be possible for them probably to get a full-time job, which is why I proposed the part-time because that seems to be what people are interested in doing.

Chairman Wihby asked do you see a cost savings in doing this.

Ms. Lamberton replied I see a cost savings because the proposed ordinance...first of all it prohibits them from working anything more than 29 hours, which once you go over the line of 29 hours all of the sudden you start kicking in leave time and holiday pay and all of that. This has none of that. This would allow...let's just say for the heck of it...well school nurses are the easiest example where you have a school nurse who retires and wants to work for the City three days a week substituting someplace. Right now that person can't do that if they are collecting City retirement. So what are we doing? Maybe we hire one person for three days

and another person for two days. We are not paying any benefits, no leave time, nothing.

Chairman Wihby asked it doesn't add to the retirement number.

Ms. Lamberton replied it doesn't add to the retirement cost. It adds to nothing and we have somebody who is skilled and knowledgeable doing work for us. We can't lose in that situation.

Alderman Smith stated I am sure you know about the Police Department where somebody retired and got hired three days later and is working at the Police Department. These are things that bother me. I have a couple of forms that I call the Rainbow Coalition. We have openings for part-time positions like Parking Control Officer, 32 hours with no benefits. Then we have a Licensed Practical Nurse for 35 hours with benefits. We have a part-time Office Assistant at the Water Department, Grade 10 with no health insurance. We have all of these inequities all over the system and I am trying to get a level playing field, whether the people work 40 hours...it should be the same for all of our employees and it is not. Why should somebody at the Highway Department work 40 hours and get no benefits. I would like to have somebody explain that to me.

Ms. Lamberton replied I agree with you, which is why you will be receiving in the near future a proposal to correct that.

Chairman Wihby stated I am lost here. I thought we were talking about 29 hours.

Ms. Lamberton replied he is talking about something different. He is talking about the fact that in the Highway Department they hire people; they bring them in as full-time temporary employees. There is one right now who has worked for one year. The rest of them if they come in and they are satisfactory and they get their CDL, etc. then they respond to a posting and they are selected for a permanent positions and all of the benefits and retirement kicks in.

Chairman Wihby asked from when they first started.

Ms. Lamberton answered no. They are hired as a hard core full-time, temporary.

Chairman Wihby stated so tell me about this one that is full-time and not getting any benefits.

Ms. Lamberton replied I don't know. I never asked Frank Thomas.

Chairman Wihby asked so we have no policy in this City that if somebody works so many hours, like we do in the State.

Ms. Lamberton answered no we don't have that, which is what I am trying to make consistent so that everybody will understand if you are hired as this this is what it means and this is what you are entitled to. If you are hired as a full-time temp after a certain amount of time you are entitled to certain things.

Chairman Wihby asked so if you are doing that you are probably going to correct the problem that Alderman Smith is talking about.

Ms. Lamberton answered I am going to correct that. That is precisely what I am working on. I would have brought it forward before now, it is just that I didn't have a chance to go over it with Dave Hodgen and I don't want to interfere with any of the collective bargaining agreements. Hopefully this Thursday we will talk about it at our staff meeting.

Alderman Forest stated I know of at least one at the Highway Department who has been there for two years with no benefits working as a full-time temporary.

Ms. Lamberton replied I didn't see that. I will double-check again.

Alderman Forest stated when the meeting is over I will give you his name because his mother called me quite a while ago wondering why he was not getting benefits. I think there should be a limit on how long you have a temporary employee.

Ms. Lamberton replied I am in total agreement with you that is why I am making the proposals I am making.

Alderman Smith stated just to follow-up and I am not picking on the firemen or the police but they are in the State pension plan and that has no reflection if they work for the City afterwards correct but a City employee if he retires cannot work 40 hours and multiply his retirement benefits can he.

Ms. Lamberton you cannot collect a check from the City retirement system and also work for the City for an indefinite period of time on a full-time or part-time basis.

Alderman Smith stated I can see what you are getting at. You have a lot of professional people like nurses or schoolteachers. There is no question that you would like to have them work but I am saying that it has to be fair. If you are going to do something you have to do it for everybody. Everybody should be

treated the same way and these people at the Highway Department are not being treated in the same vein.

Chairman Wihby stated I guess I would envision that this is the first step and that you are not going to have anybody...everybody who is hired from the City will only be working 29 hours. If there is anything further that has to be done...if they are full-time employees there will be a policy set that if they are here after six months or a year or whatever they are either going to have to be let go or they are going to have to get benefits. That is how it is going to end up coming out otherwise they work under 30 hours and they are not eligible for those benefits. Once you work them for more than 30 hours you are going to have to end up giving them benefits later on. I think it will take care of itself.

Ms. Lamberton replied it should. It is just that this came before that.

Chairman Wihby stated I see it as a couple of different issues.

Ms. Lamberton replied it is different issues absolutely.

Alderman DeVries stated it is not that I am advocating not to have that looked at. That certainly is an issue and I agree with Alderman Smith on that. I just think this is two separate issues and we need to take advantage of any potential savings going forth into a difficult budget year if a department head chooses to pursue that avenue. The one other item addressing the different pension systems and as we go forward looking at that I think it needs to be done with advice from the pension representatives. Is it Maurice Daneault for the City? If we are double dipping within the same pension fund I think that could compromise the pension allowing someone to draw a pension while they come right back into the same fund. I am not saying this is allowing it, I am just following up on what Alderman Smith said regarding having a level playing field. We have to address the pensions when we look at it as well. Right now it is a separate pension and that is why they can cross over from Group 1 or Group 2 which are State funded pensions – teachers, police and fire and come to work for the City because they are separate pension systems and we are not jeopardizing the longevity of it.

Ms. Lamberton stated you see that more often with police officers and firefighters because they are able to retire at age 45.

Alderman DeVries replied it is the same as having a Federal employee. Somebody retired military coming in and working for the City. It is a separate pension system and they earned their pay somewhere else.

Alderman DeVries moved to approve the ordinance amendments. Alderman Forest duly seconded the motion.

Chairman Wihby called for a vote. The motion carried with Alderman Smith being duly recorded in opposition.

Chairman Wihby addressed Item 4 of the agenda:

Ordinance Amendment:

“Amending Section 70.57(A) Parking Rates of the Code of Ordinances of the City of Manchester by increasing the monthly parking garage rate.”

Alderman Smith moved to approve the ordinance amendment. Alderman DeVries duly seconded the motion.

Chairman Wihby called for a vote. The motion carried with Alderman Forest being duly recorded in opposition.

Chairman Wihby addressed Item 5 of the agenda:

Report of the Committee on Human Resources/Insurance relative to the Mayor’s proposed reorganization for the Elderly Services Department, Office of Youth Services, and the Health Department.

Chairman Wihby called Fred Rusczek and Virginia Lamberton forward and asked them to inform the Committee as to what has been done.

Mr. Rusczek stated as I understand it this is before the Committee tonight to look at issues related to ordinance preparation and technical review. I won’t go through the whole proposal unless somebody has questions and would like me to. I think the nuts and bolts of what was referred to this Committee can be seen in the organizational chart, which is about five or six pages into the agenda. Currently the City ordinance establishes three departments and the organizational chart here would re-establish a new department of Public Health and Community Services. It is a similar model to what we see in Nashua and in Portland, ME. The Elderly Services Department would continue as a separate division within this new department, much like the Division of Environmental Protection continues as a stand-alone unit within the Department of Public Works. The Elderly Services division would still be headed by an Elderly Services Director. The Elderly Services Commission, which is currently organized by City ordinance would continue to fulfill the responsibilities that are within the current ordinance and would, as an advisory body, continue to provide advice to the City on matters

relating to Elderly Services. There would be some changes there. The Youth Services Advisory Board exists in the City ordinance as a 15-member board that is established as are other commissions within the City Charter. The Youth Services Advisory Board is one that is nominated by the Mayor and appointed by the Board of Aldermen. Their composition as an advisory board and their work would continue in terms of providing advice to the Mayor and Board of Aldermen. I would recommend that one of the additional responsibilities for the Youth Services Advisory Board would be an annual report to the Board of Aldermen on the issues relating to Youth Services in Manchester and the same for the Elderly Services Commission. From my read those would be the sort of changes that this Committee would direct the legal staff of the City to prepare and bring back to the Aldermen.

Chairman Wihby asked so you are saying that we would be tabling this and waiting to get something back from the Solicitor's Office and then we would vote on it at the next meeting.

Mr. Rusczek answered it could come back to this Committee or perhaps the Solicitor's Office would be able to review it and send it directly back to the Board of Aldermen.

Chairman Wihby asked where is the EAP Program and Tom Jordan in all of this.

Mr. Rusczek answered as I understand Tom Jordan's position, his position and his staff support has always been a stand-alone private function that really reports to no one. He serves the employees who come to him. The Health Department currently provides some administrative support to Tom Jordan and the Office of Youth Services anyway. We wouldn't discontinue that. We would continue it. As a unit that is a separate, independent unit I guess in theory Tom Jordan could have the bills and stuff that he produces processed anywhere but we will be glad to continue to provide that support and have him submit them directly through our administrative services.

Chairman Wihby asked where is he on the organizational chart. Is he there?

Mr. Rusczek answered he is not on the organizational chart here because he is really not part of the Office of Youth Services. We are happy to work with Tom Jordan and put him wherever it would be the best for him. If he would like additional staff support we are okay with that.

Ms. Lamberton stated all EAP programs are either contracted or they are administratively attached to somebody. He would be administratively attached to this department because he is now administratively attached to Youth Services.

Alderman Smith stated this planning proposal started back in November 2000 and you had several meetings. I can remember in February last year the Committee on Human Resources denied this consolidation. Now the same members of the Committee sent it back to Bills on Second Reading. It looks like if you don't get it one time you are going to get it another time. I would like to point out a couple of things. As far as Youth Services is concerned, they usually deal with young juveniles and court cases, etc. I would hate to see them in the same building with the nurses and so forth. I think there is a lot of information that shouldn't be disclosed. I think that they probably have a staff of seven and if we go to Elderly they probably have a staff of five so I don't know how you are going to save any money doing payroll because I think there are 12 employees and payroll should be able to be taken care of right away. I do not believe the departments are similar. It is not like the Police Department and Fire Department. Those two departments are involved in safety, no question about it, but one is crime prevention and the other is fire safety and they are connected by 9/11 and that is about it. I think that what we should be doing is coordination between the different departments and not consolidation. That is all I have to say right now.

Alderman Forest stated I actually have two questions. One is how much money are we saving by doing this consolidation?

Mr. Rusczek replied the proposal that we put forth would consolidate the Youth Services functions with the youth health work with your school health division. By bringing them together we are able to save about \$15,000 by changing a Health Department School Nurse Supervisor from a full year to a school year and because the Health Department currently administers a Federal grant that includes some funding support for administration that could be incorporated under here and save an additional \$15,000 so it amounts to about \$30,000.

Alderman Forest stated the other question I have is the department heads or whatever for Elderly Services and Youth Services, what would happen to them in this organizational chart.

Mr. Rusczek replied Elderly Services would continue intact. There would still be an Elderly Services Director. That would operate as a freestanding unit, much like the Environmental Protection unit does under Public Works. Youth Services, the acting Director would come over and become the acting head of School and Youth Services. As I said at an earlier meeting the ideal outcome is that that person would become the Supervisor of School and Youth Health.

Alderman Forest stated I sort of agree with Alderman Smith as far as Youth Services and that they shouldn't be combined with all of this because of the court cases and some of the juveniles and everything else. That is my last comment.

Alderman DeVries stated the coordination is basically how to design the Rines Center to accommodate Health, Welfare and Youth Services and EAP unless they have been found a different location. Have we decided...I know there are very similar security concerns between Welfare and Youth Services and I don't think the potential savings you were quoting at the beginning of the presentation really addresses security issues. In fact, have they costed out any of the security or is that still an "other" for the building design?

Mr. Rusczek replied as far as the building design, the security issues are pretty much with the Welfare Department. When you look at the clientele of the Health Department, we serve a lot of youth now. We serve a lot of high-risk youth now. Youth who are at risk for police issues and in turn for the Office of Youth Services are the same youth that we see in our HIV/STD counseling clinics. There are a lot of compatibility's here. When we run our evening clinics and the Office of Youth Services is open on weeknights to see kids, you have the same sort of kids and the same sort of issues of confidentiality. We understand the issues of confidentiality. We are required to comply with all of the Federal HIPA requirements on privacy around health records and we certainly understand the confidentiality needs of people who might be infected with HIV or a sexually transmitted disease or any communicable disease. That is the kind of business we are in anyhow.

Alderman DeVries asked so have you discussed any of the security costs and are there any potential savings by having them in the same building.

Mr. Rusczek answered from my perspective, by bringing in Youth Services with the Health Department now we will be able to have a common receptionist. For work that goes for a full day and into the evening, that is more than a full-time receptionist that the Office of Youth Services currently has so they will be able to benefit from our receptionists that work at night, our waiting room where people will be able to have some receptionist to watch over things, as well as be able to use the same pathways that get to our clinic but to be able to go and take a left out of our waiting room into a counseling area for Youth Services. It will all be handled discreetly and privately but all within a safer network than going down hallways and through separate doors without receptionists or what have you.

Alderman DeVries asked and that is secure obviously so instead of having to build two secure reception areas with bulletproof glass or whatever that requires, it is one.

Mr. Rusczek answered that is correct.

Alderman Shea asked in terms of saving money isn't there a consideration for closing the rentals on Bridge Street. I am not sure what that savings is because I am not sure how much we are paying for rent there now.

Mr. Rusczek answered if the consolidation occurs, the space that the Office of Youth Services is in could be vacated and they can move right into their space and be able to use our central receptionist that we have now. It is going to be awkward for us as a Health Department anyhow but it is not going to be any more awkward by having the Office of Youth Services there. In fact, I think it would begin to allow the School Health Program and the Youth Services Program to begin to mesh and work together.

Alderman Shea stated I thought that part of the consolidation had to do with the cost of renting property on Bridget Street. Is that correct?

Mr. Rusczek replied one way or the other they are scheduled to move there.

Alderman Shea stated so there is more than the savings of say \$30,000 if we are paying rent now to the tune of \$55,000 a year or thereabouts. I don't know what it is on Bridge Street but we would save that as well. Is that correct?

Mr. Rusczek replied yes.

Alderman Shea stated my other point is Tom Jordan is in the audience and I am not sure if he would like to bring up any factors but one of the concerns that I did express was the idea of confidentiality among people who work for the City but obviously have difficulties in their life. In talking to Tom today and again I don't want to put words into your mouth, Tom, but I think he indicated that he at one time discussed with you, Alderman Wihby, about working in concert with the Solicitor's Office rather than the Health Department. My point in bringing this up is that the people who have problems in our society certainly are in an embarrassing situation and like I explained to Tom today if they come into a venue where somehow or other they are identified as going to a person who is trying to settle...that is a second embarrassing situation and we certainly wouldn't want that to withhold their wanting to go and see someone for help and counseling. That is a consideration in terms of how we handle that but I think the more exclusive a place that Tom could be situated would be to the benefit of our City employees. Tom, maybe you would like to add something?

Chairman Wihby stated we will get him up in a minute.

Alderman Smith stated I would just like to say that in regards to this chart, Tom Jordan wasn't even on it and that brings up a point. Smaller departments will be absorbed by the larger department and services will be focused and directed by a larger department and might even be changed or revised. This is what I don't want to see. Every department has a reason for its existence and I think it is probably a good thing to put Tom Jordan with the Solicitor's Office but there is no way Youth Services should be in the same building with Health.

Chairman Wihby stated I think we have heard from most of the people on this side. I am going to go to the other side of the room and the Mayor in a minute. I think we have heard that people want to treat the EAP program and Tom differently and not have them attached. I know I have talked to the Mayor about that and he really doesn't have a problem with it. We will let him speak in a minute. I think that, and I said it during the budget process, if we don't start thinking differently and doing some of these consolidations we are going to have a big problem next year. \$30,000 or \$10,000, whatever it is if it a savings we should be doing it. We will go to the Mayor for his comment. I know, Mayor, that I talked to you about Tom Jordan and you said you didn't have a problem with taking him and moving him anyway.

Mayor Baines replied absolutely not. Secondly, I want to reiterate the comments you just made because we have to start saving money. This is not just about saving money here but it does save money. The decision, by the way, has already been made to move Youth Services into the Rines building. We purchased the Rines building for that purpose and to hear that come up as now an issue...I hope we are not going anywhere with that. We are proceeding with plans to redesign the Rines building to accommodate these various departments within that building. That is why we purchased it. We are getting out of the business of renting offices. That is a waste of money and we are not going to do that anymore. Secondly, this notion that these entities should remain separate, in all due respect, flies in the face of the issues that are impacted with youth behavior. I spent my 32-year career working with youth. Youth behavior issues are impacted by health issues, specifically issues that this Health Department has spoken vigorously on – the issue of substance abuse, the issue of sexual behavior, HIV infections and all of the different things that are out there impacting youth. Also, social situations within families that are impacted with the overall approach of health efforts in communities. What we are trying to do here is basically the way things are done with these issues. You do not approach these issues separately. That synergy is the same thing with senior issues. A lot of the issues affecting seniors...Barbara and Claire and their staff do a wonderful job in the focused area they are involved in especially in the area of socialization. There is a lot more that they do and I have been very impressed with some of the efforts of late as well but the issues with elderly and youth services are more and more focusing on health related

issues, whether it be nutrition, exercise, mental health issues or things of that nature that is directly related to overall comprehensive health issues. It does make sense to do what we are doing here and create a synergy amongst departments and have departments start to collaborate and cooperate to focus on all of these issues that are not isolated at all and never have been, by the way. These functions can enhance services. You are doing two things. Number one, you are saving money, which you have to do. We have to start saving money. Secondly, we have to provide better and more comprehensive services to the constituencies we are talking about, especially as we begin to talk about what that senior center is going to be. A strong component of any comprehensive senior center is going to focus on health issues. That is why it needs to be part of that. If you look at and study and participate as I have through my entire career on issues affecting youth, they are again as I indicated in my earlier comments, health related. Many of the issues that youth are impacted by are health related. That is why we are creating a synergy between departments. I will close by saying this. We just elected a new Governor in the State of New Hampshire who is talking about new ways of doing things. Here in the City we have consistently brought forward over the past year and a half...that is why we have been consistent with this issue and Alderman Smith is correct. We did bring it back because we believe it is the right thing to do. Each time we have brought it back and by the way it first surfaced during the Wieczorek administration and this insistence that we need to keep doing things the way they have always been done...if do things the way you have always done it you are always going to get what you have always got. What we are trying to do is look at strengthening services for these constituencies, economizing and getting rid of the rental facilities and creating a synergy that is going to provide better services to our citizens while at the same time saving money. I will repeat again saving money. If we can save \$10,000, we are saving something. We are going to be looking at a reduction in personnel in the next budget one way or another and if we keep rejecting every proposal that comes before us because we like things the way they are right now and because many of us might have relationships or allegiances or things like that, we are never going to change things. I urge you to support this. It is time. It is the right time to do it especially as we are moving into this brand new facility to create this kind of synergy. It is going to provide better services to the citizens. Thank you.

Chairman Wihby asked Barbara Vigneault, Tom Jordan and Laurel Buccino to come forward. I think by listening to your discussion, Tom, we are concerned about having you in a department rather than having you separate as you have always been.

Alderman DeVries stated I have a specific question for Tom Jordan. The last I had heard, the design of the building had changed and EAP was being located, rather than in a more remote location with the Rines Center it was going to be in

the mix and co-mingled with the other departments and thus you were losing some of your privacy. Is that correct?

Mr. Jordan replied that is the way I felt. The original design had us out near the back of the building near the entrance, the main entrance to the back of the building, which wouldn't have been too bad a place but they moved us back into the interior of the building, the architect or whoever draws those things up. Even there is not an appropriate place at all. It is high visibility for people walking in and coming to see me. Right now of course you know that we have a very small complement in OYS so it is not too bad. I always ask people whether they would prefer that I meet them outside anyway just in case they have some reservations or stress over their confidentiality issues but in that building there is a high degree of visibility for anybody coming in to see me.

Alderman DeVries stated that has been a concern that I have echoed with the Planning Department staff and I would have hoped by now that maybe it had been addressed because I think they are moving along on the plans with the Rines Center. I think in hearing the rest of the Committee that that can be redirected somehow somehow. We continue to hear rumors of attaching EAP to other departments. My opinion is that it just needs to be remote. I think I have said this to you before, Tom. If we could put your particular office in Bedford I think it would be the best opportunity for the City of Manchester employees to maintain privacy and visit at their leisure without feeling that they would be noticed. That is what it takes for a successful EAP program.

Mr. Jordan replied that is correct.

Alderman Shea stated, Tom, you did indicate today when you did speak to me a preference to probably be affiliated with the City Solicitor's Office than with some other department. Can you explain that?

Chairman Wihby asked weren't you there before, Tom.

Mr. Jordan answered no. This idea was generated some years ago when they were talking about consolidation. It might have even been done with the prior Mayor. The idea of...Mr. Chairman knows that I have always been an advocate of a free standing EAP but since that doesn't seem to have the support, at least for administrative purposes, the idea came up that probably the place that would be most appropriate because we work very closely with Risk Management and with the City Solicitor's Office that maybe the City Solicitor's Office for administrative purposes would be the appropriate place for the EAP. I agree with that. If this issue is coming up for consolidation, if we are going to consolidate, then I believe that the EAP for the long-term health of the program would be better off with the

Solicitor's Office who has a high respect for confidentiality too. This is no reflection on Mr. Rusczek. This is what I have advocated.

Chairman Wihby stated well this has come up for five or six years now. I guess our concern was to have him somewhere rather than just hanging out there. Solicitor Clark, do you remember this coming up five or six years ago? Do you have any concerns with that being in your office?

Solicitor Clark replied no. This first came up back when Mayor Wieczorek talked about a plan and I was asked if I would be willing to accept the EAP under my office for administrative purposes. I indicated then that I would do it. I would still be happy to do it if that is the wish of the Board. I will take him in administratively and provide support services. However, it has to be clear that he won't be able to locate physically in my office because that would negate the confidentiality that you are looking for in City Hall. He would still have to have some kind of outside office someplace.

Alderman Lopez stated just for clarification, who do you report to and who evaluates you.

Mr. Jordan replied the Youth Services Director.

Alderman Lopez asked so the Youth Services Director is your immediate supervisor.

Mr. Jordan answered correct.

Alderman Lopez asked so going away and working wherever that person would still be your immediate supervisor.

Mr. Jordan answered I don't think so. It would be the domain of the department head then I believe. That is my thought.

Alderman Lopez stated I just wanted to bring that up because there is some confusion.

Alderman O'Neil stated just for a little history, the EAP...I think Alderman Wihby and I were here when it was created and I think the reason it was originally put with Youth Services was to make sure that there were support services. I think at the time Regis and Judy might have been the only certified...it was CDCC at the time but it is not that anymore I believe but if I recall that is the history. There wasn't any magical formula for it going there. That is just where it went. I think we need to and I am not a member of the Committee but to clarify there needs to

be a physical attachment to a department but where he is physically located is a separate issue. I agree that it is probably and I think I have spoken to Fred about this issue as well as Bob MacKenzie, I don't believe it is in the best interest of the EAP program that Tom is physically located in the Rines Center. I think Bob had some thoughts about some other places we could do it without even renting. Your support person doesn't necessarily work in the building with you either am I correct?

Mr. Jordan replied yes.

Alderman O'Neil stated so it is really just one office and a small room for a meeting that we are talking about. I just wanted to give you a little history. Thank you.

Chairman Wihby asked Barbara or Laurel if they would like to add anything.

Ms. Vigneault stated I have one question and that is pertaining to the Commission. My interpretation of the City Charter and maybe Tom Clark could help clarify it is that the Commission advises the Board of Mayor and Aldermen and the department head and I would think according to the organizational chart that the Commission would be advising Fred Ruscsek because this would be a creation of a new department as Fred said. That is one of the questions I had about the organizational chart.

Chairman Wihby asked, Tom, is that true. We are looking at changing the new Charter so it could be changed but...

Solicitor Clark interjected well we don't know what is going to happen with the new Charter. The way things stand right now the Elderly Services Commission is strictly advisory. It advises the department head and it can give advice to the Aldermen but it is strictly advisory and has no authority. Depending on how the Board wanted to do it...if you wanted to do a consolidation into one department you could still have an Elderly Services Commission and they could either advise an Elderly Services divisional director or they could advise the full department head. It is strictly up to this Board as to how they want to do it. There are no restraints on that.

Alderman Forest stated from what I can see now I think all of us have the same concerns about Youth Services. I think what we have to do is just separate them and just do the organizational chart with what is left and I think it will work.

Chairman Wihby replied well Youth Services and EAP are two different things.

Mayor Baines responded if you do what he just said you leave everything exactly the way it is now.

Chairman Wihby stated my recommendation, Mayor, would be to send this back to you to work with Tom Jordan and Tom Clark and come back knowing that we want EAP out of that and find them a location and keep everything else the same. Do you have a problem with that?

Mayor Baines replied we could rework it from that angle but you know we have been around the horn on this a number of times as you know.

Chairman Wihby responded well we have talked before and you said you had no problem with taking EAP out.

Mayor Baines replied I have no problem with that at all if you want to just go back and rework that. We still firmly believe and I think, Alderman, if you could spend some time perhaps talking to Mr. Rusczyk about the connection between Youth Services and Health Services I think you would become much more comfortable with this issue. Also related to confidentiality, that is Fred's world too. That is as much Fred's world as it is Tom Clark's world or the Police Department's world. Again, I think we need to spend some time getting educated about that. They have HIV clinics in that building. People walk in there to go to HIV clinics. People go in there for all kinds of health issues that they need to deal with. You have to go to Manchester Mental Health and I have had to go there when I was a high school principal and you go into a reception area. This issue of complete isolation...I understand the aspects of the EAP program as I have obviously worked with Tom Jordan through the years on programs but I think sometimes we may be making a little bit too much of this. This is a big facility up there and people would be going into that building for lots of different issues. I think we need to keep that in mind but to think that youth issues and health issues are not connected is, in my view, not really connected with the real world in terms of youth issues today. They are so entwined around health that I don't think you can get out of it whether it is mental health or some of the health issues that we talked about earlier. Alderman Wihby, to answer your question I would be willing to take a look at it one more time.

Alderman Forest stated Tom correct me if I am wrong but I know from my experience and I am talking maybe 20 years ago that the Manchester Police Department was required to rebuild part of their police station to have a separate entrance, separate cell block and separate offices from the department just so that the youth who were arrested or brought in would not be seen by adults. This is the concern I have for your office, that you may have some juveniles that come in

there who are going to be dealing with adults seeing them coming in and that is my concern. Am I wrong on this?

Mr. Jordan replied I am going to let the Youth Services Director speak to that question.

Ms. Buccino stated I am not quite sure of your concern. Is it people just coming in and seeing youth there?

Alderman Forest replied yes that is my concern. The privacy of the youth coming in with their parents to deal with Tom or you.

Ms. Buccino stated it is a concern. It is one of the concerns that I had.

Mr. Jordan stated just to follow-up on that it is a real concern to me. I agree with the Mayor certainly that confidentiality is confidentiality but we are talking about City employees here. It is mostly City employees in my program and families. I have had some people who came in who were City employees that realized after they got in there that they recognized a few people and I feel very uncomfortable with that. I have had that happen quite often.

Alderman DeVries asked do you have any concerns to just be administratively connected to Health and be physically located elsewhere. Would that eliminate your concerns?

Mr. Jordan answered consolidation is consolidation but I think for the long term health of the EAP program it should be moved to the City Solicitor's Office and physically located outside of that office. It is still consolidation if that is what you are going to vote on. I think for the long term health of the program that is the way to go.

Chairman Wihby stated we are going to need a motion. We know that the EAP, at least from the discussion I have heard and I think the Mayor agrees, should be taken out and administratively attach it to Tom Clark's office. Other than that, are there any other problems? Can we pass the rest of it? Actually we will be tabling it anyway for the Solicitor to draw something up and bring back to the Committee. In the meantime, the Mayor can work with Tom Jordan and Tom Clark.

Alderman Forest asked so the motion you need is to table it.

Chairman Wihby replied the motion would be to table it and have the Mayor work with Tom Jordan and Tom Clark to get the EAP program under the City Solicitor and we can move forward with all of the other recommendations.

Alderman Forest moved to table the item.

Alderman DeVries stated I just don't quite understand. If we are just looking at it as an administrative attachment I think that can be corrected at any time and I am not sure that needs to further delay consolidation here. Maybe I am wrong.

Chairman Wihby replied it is not delaying anything. We have to have him write it up anyway is what I am hearing. The initial question was if we are going to do anything we would be tabling it and having him write it up and then we would be bringing it forward.

Alderman DeVries stated I would like to see an additional motion or something to go from this Board to the Planning Department because I just don't feel that they have been responsive and understand that continuing to spend money to physically locate the EAP program within the new Rines Center...they may be wasting money in design.

Chairman Wihby replied that was part of having the Mayor work with Tom Jordan and Tom Clark to come up with a location also.

Alderman DeVries duly seconded the motion.

Alderman Smith stated in regards to the Elderly Services Department and having them move to the Rines Center, what assurances do we have that they can operate independently of the Health Department and not get absorbed by the Health Department.

Chairman Wihby asked who would like to answer that question.

Mr. Rusczyk answered from the get go when we started talking about consolidation when the issue came up and we were directed to look at it and we looked at this as three departments working together we felt that it was appropriate that we report back to the Aldermen regularly on what we were doing, on our strategic plans, our goals, our costs and everything so that the decisions that are made in terms of the future funding support or whatever are made in concert with City policy development. One of the things that we really want to do is we want to turn around and create a mechanism to report regularly back to the Aldermen on public health and community service issues. That would be something that you would be able to monitor right along.

Alderman Smith asked in other words, Elderly Services will still operate independently with the same director but they will just be utilizing the building. Is that what you are saying?

Mr. Rusczek answered the Elderly Services Department currently is not scheduled to move to the Rines Center. What the Health Department will provide, a larger organization will provide, will be additional administrative support. When we open a new elderly center there are going to be needs to expand programs to get them outside funding and to develop services. That sort of experience that the Health Department has can be beneficial to the Elderly Services Director. With the public health preparedness money that we just got we were able to expand an accountant position to a Business Service Officer utilizing the outside funding. That enables us to go out and do a better job managing all of our grants and getting outside money as well as costing out our services so that part of the decision-making process around what we do includes comparative cost analysis. That is the sort of additional support that we can provide to the other departments and other staff in a larger organization. We have a growing elderly population in Manchester. It would be imprudent for us to think that we will be able to reduce the expenditure that the City is currently experiencing.

Alderman Smith asked, Barbara, how do you feel about the situation if you did move to the Rines Center.

Ms. Vigneault answered my understanding was that we would be moving into the new senior center building facility. Our lease at the current East Side Center and of course the West Side Center is currently running in a City building but the lease on the East Side Center is until next November. The senior center is hopefully going to start being built this spring.

Alderman Smith replied I wouldn't bet on it.

Chairman Wihby asked, Solicitor Clark, do you see a lot of work having to be done between now and next Tuesday. Is there a possibility of you getting it done that we could do a telephone poll and put it on the next agenda?

Solicitor Clark answered, as I understand it you are asking me to prepare an ordinance, which consolidates these three departments into one department. There will be one department head with a couple of divisions working under him. They won't be independent. They will be one department under the department head, Fred Rusczek, as I understand it. The current department heads of Elderly Services and Youth Services will be division heads working for Fred. We can define in the ordinance what those divisions will do. Whether or not we can get all of that done by next Tuesday and get it back to this Committee is another

question. I can draft it and get it back to you but it might not be exactly what you are looking for. I will work with the Mayor and Fred and the others to draft something.

Chairman Wihby replied if there is a possibility that you can get it done we can conduct a telephone poll and take it up at the next Aldermanic meeting.

Mayor Baines stated the other example that I try to give to alleviate concerns about this is there is no effort here to do anything other than expand services and to take advantage of all of the resources that are available. I would give the example of Public Building Services when that became a division within Highway. Anyone who had to deal with Public Building Services, which I obviously had to do on a daily basis as a high school principal saw nothing but a strengthened program because it was able to draw upon the resources of a larger entity bringing combined resources together to make the functions more effective, more efficient, more cost effective and to provide better services. That is all we are talking about here. We are not talking about people losing their identities. We are talking about combining administrative functions. We are talking in this case about reducing some costs and the end result will be expanded services. I think Mr. Rusczek has made it very clear and again I would urge you to take some care in terms of looking at the way that department functions around specific goals and objectives and measurable outcomes. Those will be regular reports that will come back to this Board and at any time if there is any diminution of services you are going to be aware of that. We are going to be moving into a new facility and I am a little bit more optimistic than Alderman Smith but knowing the setbacks that have occurred I can understand his apprehension. We are going to be talking about real comprehensive services – health services using the strengths of Barbara and the strengths that she has there but combining it with other City departments to create better services. That is all this is about.

Chairman Wihby called for a vote on the motion.

Alderman DeVries asked for clarification on the motion.

Chairman Wihby stated we are going to table this and have the Solicitor work on the ordinance. If he gets it done by the end of this week we will do a phone poll and get it on the next Board agenda. What is the proper motion?

Solicitor Clark stated rather than tabling it why don't you just refer it to the City Solicitor and the Mayor's Office to work out the ordinance and get it back to you.

Alderman Forest withdrew his motion. Alderman DeVries withdrew her second.

On motion of Alderman Forest, duly seconded by Alderman DeVries, it was voted to refer the proposed reorganization for Elderly Services, Youth Services and the Health Department to the City Solicitor and the Mayor to work with appropriate staff to develop the ordinance.

Chairman Wihby addressed Item 6 of the agenda:

Report of the Committee on Human Resources/Insurance relative to all unfilled full-time positions as of 12/17/02.

Chairman Wihby stated I have a question for Alderman Lopez. Unfilled positions that have not been authorized. How can that Committee authorize or say yes if they weren't authorized first and they are not in the Mayor's budget?

Alderman Lopez replied just to give you a little history about this a lot of the Aldermen have been asking either publicly or privately about there being a hiring freeze and positions getting filled. The other question came up about whether the HR Director reviews the positions.

Chairman Wihby stated hold on. There is a freeze on for authorized positions that aren't filled, right?

Alderman Lopez responded right. These are for authorized positions that are not filled but have been authorized in the budget. The concept of talking with the HR Committee to bring it to a head was...it seems like every position is being filled and we were looking at the cost element of not filling some of these positions without coming to the HR Committee because if we continue to fill the positions of course we have the unemployment that we are going to have to pay for and we are not going to save any money. I think it goes back to your comment from a few meetings ago as to whether we have a freeze on positions and whether we are filling those positions. Now we have filled positions mainly in the Police Department and now of course in the Health Department with the new bioterrorism money that we got. I think to answer the question about either being in the freeze category or not being in the freeze category or filling all of the authorized positions in the budget in looking to the future the Committee felt that there should maybe be another screening process whereby we could have the HR Director review these positions more thoroughly than in the past.

Chairman Wihby asked are we talking about positions that were in the budget that were vacant that we had a freeze and the Mayor has now let people...we had a process where they had to go to the Mayor and the Mayor let them fill it.

Alderman Lopez answered that is correct.

Chairman Wihby stated now you are saying that instead of letting the Mayor fill it those same positions that were authorized that were vacant instead of letting him decide we should have a second way of deciding or that the Committee should decide. Is that what you are talking about? I guess what throws me is when I am reading what you passed it says “unfilled full-time positions as of December 17 that have not been authorized” so if it is not authorized it is not in the budget. It has not been okayed by the Mayor, is that what it is trying to say?

Alderman Lopez replied that is correct.

Chairman Wihby asked so there are positions...

Alderman Lopez interjected the Mayor can right now...he has been authorized through the budget to fill every position and all he has to do is direct the HR Director to fill it. Some of the members just felt that we should have some say and maybe more questions and maybe look at the positions more fully. That is the intent.

Chairman Wihby asked so you are trying to take that away from the Mayor and bring it to the Aldermen.

Alderman Lopez answered bring it to the HR Committee and ask questions and make more of a justification in filling the positions.

Chairman Wihby asked so if the Committee says yes then what, it is filled.

Alderman Lopez replied yes.

Chairman Wihby asked so the Mayor is not involved anymore.

Alderman Lopez answered yes he is involved.

Chairman Wihby asked how is he involved.

Alderman Lopez answered once the position has been screened and justified fully to members of the Board, then they are filled. It gives the HR Director a chance to review those positions and make sure they are the right grade, etc.

Chairman Wihby stated say right now the Mayor says no...say the Mayor says yes...

Alderman Lopez interjected we don't have any say so whatsoever.

Chairman Wihby stated okay so now it is open. It is going to the Committee first?

Alderman Lopez replied that is correct.

Chairman Wihby stated and the Committee says yes now does it go to the Mayor.

Alderman Lopez replied yes.

Chairman Wihby stated say the Committee says no. It doesn't go to the Mayor? If the Committee says yes it goes to the Mayor and he can fill it or not? So basically the Committee is making the decision not the Mayor anymore.

Alderman Lopez replied that is correct or the Board. It hasn't been determined whether the Board of Aldermen want to give the Committee that authority or if they want it to come to the full Board. To save some time, I think it should go to the Committee to make sure that the questions are asked and make sure that the justification is there and that the HR Director did a review. Right now there is only one person involved. It is not taking authority away but I am looking at the future.

Chairman Wihby asked what happens if you say yes and it goes to the Mayor and that is not one of the positions he wanted to fill. Can he say no?

Alderman Lopez answered after review and justification of the position the Committee can make a determination.

Chairman Wihby stated so the Committee is going to say yes or no, not the Mayor.

Alderman Lopez replied it depends on the situation.

Chairman Wihby stated I have to know what we are voting on. Right now, the Mayor makes a decision whether he wants to fill a position or not. If he wants to say yes, he says yes and if he wants to say no, he says no. Now we are taking that and we are going to let the Committee decide if it is yes or no and the Mayor is no longer involved. Is that true?

Alderman Lopez replied the Mayor is bringing it before the Committee through the HR Director.

Chairman Wihby asked the Mayor would what.

Alderman Lopez answered the Mayor would bring it in for justification of that position and whether it would be filled.

Chairman Wihby asked so if the Mayor doesn't want to fill it then it doesn't go to you and if he does want to fill it, it goes to you.

Alderman Lopez answered that is right.

Chairman Wihby asked and then you decide yes or no and it comes to the full Board.

Alderman Lopez stated to make sure that there is more input from the Aldermen and more input from the HR Director and to review those positions to make sure they are the right grade and right structure.

Chairman Wihby asked what if the Mayor doesn't want to fill it.

Alderman Lopez answered if he doesn't want to fill it then it doesn't have to come to us.

Alderman O'Neil stated I spoke at the full Board against this. I was here with you when we had a similar thing back in the late 80's or early 90's and if I recall it just about brought government to a halt. There were too many levels of bureaucracy involved. I believe the current system has worked very well. The Mayor has actually been very tight on allowing vacancies to be built. At one point I drove him pretty crazy in trying to fill some of the public safety positions. I spoke to him every other day about it, about Police, Fire and the Health Department vacancies. He had already agreed on Highway at the time. I can tell you that anytime I met with the Mayor on it the Human Resource Director was involved and I think he includes Ginny in all of his discussions with regards to filling these vacancies. I am also aware that he meets with the department heads several times with regards to this. If a department head believes they have a good reason for the Mayor to lift the freeze on a position I know the Mayor, again in my involvement with Police and Fire, meets with department heads several times. With regards to Aldermanic input, any Alderman has the right to pick up the phone and call the Mayor or meet with the Mayor as I did when I felt it was wrong to keep the freezes on the public safety positions. I think the system has worked. My guess is and I don't know if we can get this information from either Finance or Human Resources but I believe to date it has saved us several hundred thousands of dollars. I don't know if anyone has that number. The Aldermen have input by simply picking up the phone and calling the Mayor or meeting with the Mayor and suggesting yes I believe you should lift the freeze or no I think you should keep a freeze on that position. To the best of my knowledge, Ginny Lamberton works

with the Mayor daily on these freezes. I know he coordinates it with the department heads and meets with them on a regular basis to make sure they can meet their budget. Again, I lived through this with the HR Committee...I think it was the Personnel Committee at the time and it brought government to a halt. The Committee meets once a month. If we need full Board approval that is another week or two later.

Chairman Wihby stated I guess my question is what is wrong with the Mayor saying yes or no. If he says yes he can send a notice to the Aldermen saying that he is going to fill such and such a position and at the Board level the Aldermen can okay that. What is wrong with that?

Alderman O'Neil replied my personal opinion having been on the Board when we had a similar process is that it brought government to a halt. The Mayor is here every single...you know Monday through Friday and I am sure he is available on weekends to try to address some of these things. We come in one night a week and some weeks we are not even here. I think we do have an obligation to the citizens in some areas to make sure that we are not bringing government to a halt. In issues with the Fire Department we were on a spending spree with overtime because the positions were being frozen so we were paying time and a half to fill positions that should have been filled anyway. I think we need to let the Mayor do that. I believe the system has worked and I believe the Aldermen have an opportunity to voice their opinion with him one way or the other. I won't support this.

Mayor Baines stated again I would urge...there is a part of me that says take it so I won't have to deal with it anymore. This notion that all positions are being filled is simply not true. I have kept five vacancies in the Finance Department open as one example. I released two of the positions today. Two of the other positions are going to have to come to the HR Committee because they may involve a reclassification. I have been very prudent in filling positions but in certain situations like Highway we have to respond immediately to situations. That is the job of a Chief Executive of an organization. That is why you have me here. They are not easy decisions. I do involve, in fact I went through a period of time up until the past month or so where Alderman Lopez was involved in the meetings that we had to go over all of the various positions that I had left vacant for some period of time. We are doing two things. First of all we are asking the departments to manage with which we all agree have been very tight budgets because they have to absorb the raises and all of the other things that took place within the cuts that occurred. So we are trying to manage vacancies so we will leave positions vacant sometimes for a long period of time until like we had a situation over the past week or so where Mr. Clougherty came in and said we cannot fulfill the functions that we have to fill. We are obviously going into the

budget season now and we have lost a number of personnel and there are some people moving within departments so we manage vacancies. The other situations that come up, especially in public safety issues we measure by keeping a position open and by the way sometimes a department head won't even ask to fill a position because they are managing their budget so they will wait a period of time before they even ask to have it filled but there are certain circumstances where you are not filling a position and you are actually costing the City more money. I believe it is the efficient way to operate. I want to remind the Aldermen that last year we delivered at the end of the budget cycle over a \$4 million spending surplus, which I would hope would indicate that we had been working very hard to do control on hires and delaying hires and sometimes not filling positions but also working with the departments to curtail expenses when it has been necessary. Again, you are going back to a system that used to exist. The Aldermen at one time I guess found that it wasn't a very efficient system and that is a responsibility that belongs with the Chief Executive and I would urge the Board to keep it that way.

Chairman Wihby stated I want to echo your statements. Part of me wants to say good let the Mayor decide but at the same time I think what Alderman Lopez was trying to do was save some money in doing this. Now maybe the way of doing it is...granted the old way was you went to the Committee and you went to the full Board and it took awhile to get there but if you just let us know, I mean it could be the day before...our agendas come on a Friday that you are going to allow these positions to be filled and on that next Tuesday when we meet the full Board decides yes or no on them. I think that is the way to save some money.

Mayor Baines asked go through every single position and go through a discussion about why.

Chairman Wihby replied maybe it takes that. We are facing a problem for next year. I don't have to tell you what the problem is next year. Maybe we ought to not be filling any positions now just to get ready for next year. Every position we fill this year is going to cost us money for the following year. I think the concern was that we wanted some input and I wasn't there when the Committee drafted it but I think the discussion at the Board level was input on filling...when you did fill the positions. It was not so much when you didn't fill it, it was when you did fill the positions that everybody agree on filling them. I guess the discussion would be both ways. If somebody felt that the position should be filled, they could just vote at the Aldermanic meeting. It is the Aldermen's budget too eventually and it would just go...you would just let us know that you want to okay them or not okay them and if someone wanted to pull some of them off, fine. If they just went along with it...every two weeks there would be a meeting.

Alderman Lopez stated I think that is the whole drift of this because as Chairman of HR every time a notice goes out I get asked has that position been reviewed by the HR Director and why is he filling that position. I think that is where the Committee was looking. It was not to circumvent the authority of the Mayor but to look for the future as to what is happening down the road here. There are positions that the Mayor is going to have to fill like police officers or whatever the case may be in public safety but there are some positions that we maybe need to review further because right now I don't believe that the complete audit is done on all of the positions that are filled and this would be giving input to the Committee and maybe asking those questions instead of having...the Mayor's life is very busy and maybe questions coming from other people will transfer to him and say maybe you are right and we shouldn't fill that position. That is what I am looking for. We need a clear-cut policy so that the Aldermen are not left in the dark. If the Mayor is going to fill every position that we have authorized in the budget, so be it. If the direction is that we want to save money for the future then we are accountable to the people where we have to look at something and tell the people that the Mayor can fill all of the positions if that is the wishes of the Board and so be it we don't have anything to do with it.

Alderman Smith stated the way I understand it and correct me if I am wrong but department heads submit a letter to the Mayor for a position that is open. The Mayor will go along with notifying the Human Services Director is that correct? Then it falls to the Committee and they report back to the Board of Mayor and Aldermen and the position is filled. Am I correct?

Mayor Baines asked the way it is now.

Alderman Smith answered yes.

Mayor Baines stated the process now is that is the authority that was given, I believe, by the rescinding of an ordinance that used to be in effect. The Aldermen changed it and gave that authority to the Mayor. What would happen now for example is a department head would either come to meet with me or put in writing the rationale for filling a position. They come to me. I send them through Seth because he is the liaison with Human Resources to Ms. Lamberton. She goes through every single position and determines whether, in fact, in her judgement and sometimes she will talk directly to the department head if I haven't also. She makes a recommendation to me and then I sit down with Ginny and she will say I do recommend or I do not recommend that you fill this position and then I make a decision. That is the way it is right now.

Alderman Smith stated in other words the HR Director is personally notified of a vacancy and she concurs with you in filling the position.

Mayor Baines replied right.

Alderman Smith asked what is wrong with that. I don't want to get into hiring and firing as an Alderman.

Mayor Baines replied that is the system and I think that is how it belongs. The Mayor, by Charter, is the Chief Executive Officer of the entity and those are decisions that are usually afforded the Chief Executive Officer.

Alderman DeVries stated I think part of the reason that the HR Committee looked to somehow amend the current process is it came as an indication from the HR Director that not all positions that come through her to be hired are re-evaluated through the process of determining whether the job description is appropriate or whether the pay is appropriate for the actual description. That is a rather lengthy process. I think we were looking to have that frequency, that evaluation, done a little bit more frequently so that if there was an opportunity to save money it wasn't missed. It certainly isn't to make such a convoluted process that no urgent and necessary positions will be filled. It is simply to try to evaluate are we paying everything at the appropriate level or did it somehow at some past time get inflated and doesn't meet our current HR Director's standards when she reviews...not the Yarger Decker scale but a point scale system that she will apply to it. The other thing that we were looking to attempt was to and I think Alderman Lopez said it right off the bat, limit potential unemployment should we head into next year's budget and there are lay-offs. If the position remains vacant, you don't look at the unemployment. If we hire somebody that has to leave because that department head makes that tough decision in a tougher budget than what they have this year we are looking at paying unemployment benefits.

Alderman O'Neil stated let's give the Mayor a little credit on this thing. He is looking at the same picture we are. He is not going to sign off and allow all positions to get filled and then there be massive lay-offs next year. I would have to guess...I am not sure of these numbers and they may be a little skewed because of 17 promotions at the Police Department but my guess is that since July 1 there are more positions still frozen than he has allowed to be filled. That is just a guess. I don't know that. Again, I just don't see him...as a matter of fact I have been a little hard on him that he took too long in filling some of those positions. I think he has been watching the fiscal situation of the City and I just don't believe that...we certainly have the right as elected officials to be involved but having been through this same exact situation 10 or 12 years ago it brought government to a halt. There was nothing going on in this City with regards to personnel. It didn't work then and I don't believe it is going to work now. It is not going to create this great savings that we think. I have faith in him in managing this. I

think he has proven that he can do a good job with it. Again, I am going to vote against this when it comes to the full Board.

Alderman Lopez stated when I presented the letter regarding unfilled positions...this goes deeper than anything because I have spent six weeks on unfilled positions and I have worked with the Mayor and even today we couldn't tell you the exact number. We are looking at \$300,000 or maybe \$315,000 or \$330,000. We just don't know the amount of money for the unfilled positions that are out there because the Finance Officer has to verify it and until then who knows what is going to happen. Clear it up once and for all as a direction that the Board of Aldermen or this Committee wants to recommend to make sure first because a lot of departments have unfilled positions. Some departments have had unfilled positions for two years just to use the money. It is a long process and somebody has to clean it up. If HR is going to clean it up with a lot of other things like part-time employees and everything else that we talked about earlier then...otherwise we are just going to have the same ballgame in next year's budget regarding unfilled positions.

Chairman Wihby stated we will end up with more lay-offs when we realize how bad the budget is going to be.

Alderman DeVries moved to refer this item to the full Board.

Chairman Wihby asked with a recommendation to pass it or without a recommendation.

Alderman DeVries answered with a recommendation to approve it.

Chairman Wihby duly seconded the motion.

Solicitor Clark stated to do this you have to pass a personnel ordinance, which has to be drafted. I have heard a couple of different scenarios tonight and I am not sure which one you are asking to be drafted to report back to the Board.

Chairman Wihby replied we are drafting what was recommended here from HR.

Solicitor Clark stated well there have been a couple of discussions here tonight. One was that the department head will submit a recommendation to the Committee who will have the HR Director evaluate it and the Committee will vote on it. Another one is that the Mayor will evaluate and if he is going to fill the position just report to the full Board. I am not sure which direction you are going in. Right now the Mayor is the Chief Executive and he can do this by fiat, which he has done. Subject to that, the department heads have exclusive personnel authority to

spend their budget and hire employees subject to the personnel ordinances. You will have to pass a personnel ordinance to change the vacancy process and I need to know what you need drafted.

Chairman Wihby stated I think the intent was what was passed at the HR Committee. That all unfilled positions are going to go through the HR Committee and that Committee is going to okay the positions.

Alderman DeVries stated I am open to entertaining an amendment if somebody wanted to suggest one.

Chairman Wihby stated I think it is faster if we went to the full Board and let the full Board decide. Have the Mayor give notice and let the full Board decide up or down whether or not they agree with him. That is a faster process and it gives the Aldermen input.

Alderman DeVries replied I understand your point. I am not sure if that would do anything about reviewing the actual job descriptions and the pay.

Chairman Wihby stated it is already being done.

Alderman DeVries responded not on all of the positions, only on those that are questioned. It is not routinely done on all positions.

Chairman Wihby asked is it done on all of the ones you are filling, Mayor.

Mayor Baines answered all positions that are requested are referred automatically to the HR Director to review and make a recommendation to me. Let me give you an example that happened today. Just so you know that the process is a thorough process, Mr. Clougherty has been asking me for weeks to fill the positions and because of the situation we are in I have been delaying. We had a meeting today and two positions I authorized, two are going to go back to the HR Director and are going to come to the HR Committee because they are going to be reviewing classifications. When there is a situation like that Ms. Lamberton will bring up issues related to reclassification. Most of the positions that I have dealt with recently have been related to the Highway Department to get the snow plowed and to get the garbage picked up. The others that are on my desk right now are firefighter positions. You either fill them or you pay overtime. There is no rocket science here. We are delaying positions. We have a pending secretarial position that is opening in the Economic Development Office. We are looking at ways to cover that for periods of time until we make some final decisions about the organization of that office. We are working with the department heads to manage the situations. I think there are six police officer vacancies right now and there are

going to be requests coming in to fill those. Those are the types of things we are dealing with. Again, there is a part of me that says take it because these are some of the toughest decisions that I have to make and I receive a lot of pressure from department heads on this issue. Like I said there is a whole part of me that is saying today that I win more by just turning it over to you and letting you take the responsibility but I think the reason you have a government set up the way it is is that you have a Chief Executive Officer or in the town form you have a City Manager. I would hope the Governor of the State would have these kinds of authorities. If you look at personnel issues that went on at the State level and the Governor didn't even have the authority to make certain decisions. There are certain decisions that belong in the Executive Branch because they belong there. There are certain decisions that...this is a policy making group. I didn't think that policy-making groups wanted to get into hiring and firing. If you want to adopt an absolute freeze, adopt it. I won't fill anything but I am going to tell you what is going to happen then. You are going to have the Fire Chief sitting up here saying if you don't fill these positions you are going to pay more in overtime. If you don't fill the police officer positions I am going to have to take people off the street. If you don't fill the Highway positions then we are not going to plow the streets. We are a service entity and what I have found by working with the departments is first of all they are trying to manage their budgets. Tom Clark can tell you about some situations in his office in terms of managing personnel. They are very adept at managing vacancies to make sure that they stay within their budgets to deal with unexpected expenses. In my own office when I had Tina out on a leave of absence we didn't fill the position. We brought Lorraine in part-time and we had people sharing people so we didn't have to spend anymore money. I have four people in my office and at one time I had two people out because Seth was out on medical leave. We are not bringing people in. We are trying to manage through difficult times but I am getting very tempted to say take it and have fun. I hope you are prepared to meet every single week. Every single week and maybe the Aldermen should start meeting every week and let's manage government by Committee. That is not the way government is set-up. You don't set-up businesses that way but if you want it, God Bless You.

Alderman Forest stated I understand where Alderman Lopez is going. There are some jobs here that should be reviewed and I think that HR should be doing that and if they are doing it maybe they should do a little better job at it. That is my comment and I think we should vote.

Alderman DeVries asked are we voting with an amendment.

Chairman Wihby replied it is going to end up in a tie anyway so it really doesn't matter.

Alderman Smith stated the Mayor has a good point. It is going to be time-consuming and if it is time-consuming and like I said I don't want to be in the position of hiring and firing. I think if the Mayor hires someone to work in the Highway Department and he informs the Board there is nothing wrong with that. I think as far as the HR Director there is a lot of information that is not being disseminated. I went to various departments to find out who worked 40, 35 or 32 hours. I got that information in two days and they still don't have it in HR and that is why I brought it up. I think the Mayor is there to lead and he is leading us. As long as we have the information, I don't think there is anything wrong with the system. God knows if he didn't put the 10 men on Highway what would have happened with snow and garbage. I think we should defeat this motion and move on.

Chairman Wihby called for a vote on the motion to approve the recommendation. There was a tie vote with Aldermen Forest and Smith voting in opposition, therefore the motion died in Committee.

TABLED ITEMS

7. Ordinance Amendment:

“Amending the Code of Ordinances of the City of Manchester by creating a new section within Chapter 111: Amusements establishing regulations for noise activities conducted in outdoor concert venues throughout the city and inserting new penalties in Section 111.99: Penalty to enforce these regulations.”

This item remained on the table.

8. Ordinance Amendments:

“Amending Chapter 130: General Offenses of the Code of Ordinances of the City of Manchester by repealing Section 130.10 Tattooing in its entirety.”

“Amending the Zoning Ordinance of the City of Manchester to include a new use group category for Tattoo Parlors, inserting changes to Table 5.10, adding supplementary regulations for tattoo parlors, and providing for location restrictions so as to prohibit such parlors within 600 feet from each other and not less than 500 feet from a Residential or Civic Zone.”

This item remained on the table.

9. Ordinance amending Section 151.41 (C) Parking Trailers Outside Parks

submitted by Alderman Shea.

On motion of Alderman Forest, duly seconded by Alderman Smith, it was voted to remove this item from the table.

Alderman Forest stated I know that Alderman Shea requested this ordinance quite awhile ago and it was tabled for the simple fact that it was a little too stringent as far as motor homes and trailers for people who go to Florida in the winter and come back in the summer. I was supposed to have a meeting with some of the camping organizations to see if they had some ideas on the generators running while these are parked under people's windows for weeks on end. I never had that meeting and nobody has ever come up with a better suggestion.

Alderman Forest moved to receive and file the ordinance. Alderman DeVries duly seconded the motion.

Chairman Wihby called for a vote. There being none opposed, the motion carried.

10. Proposed ordinance relative to light pollution.

This item remained on the table.

There being no further business, on motion of Alderman Smith, duly seconded by Alderman Forest it was voted to adjourn.

A True Record. Attest.

Clerk of Committee